

**UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

In re : Chapter 13
: :
RUSSELL J. NOWELL : Bankruptcy No. 06-14099DWS
: :
Debtor. : :

ORDER

AND NOW, this 14th day of September 2006, Debtor having filed a voluntary petition in bankruptcy under chapter 13 on September 13, 2006;

And Debtor having failed to file a certificate evidencing prepetition credit counseling, which is an eligibility requirement for bankruptcy relief pursuant to 11 U.S.C. § 109(h)(1) (“an individual may not be a debtor . . . unless such individual has, during the 180-day period preceding the date of filing of the petition by such individual, received from an approved nonprofit budget and credit counseling agency . . . an individual or group briefing (including a briefing conducted by telephone or on the Internet) that outlined the opportunities for available credit counseling and assisted such individual in performing a related budget analysis.”). Thus, the credit counseling requirement should be met before the individual files a voluntary bankruptcy petition;

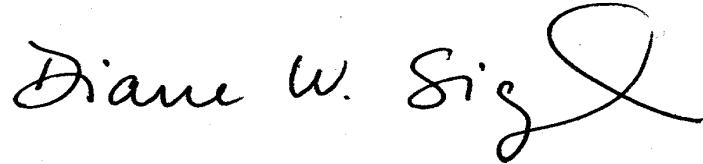
And 11 U.S.C. § 109(h)(3)(A) permitting a debtor to obtain credit counseling after his/her bankruptcy case commenced, but only in very limited circumstances, i.e., a debtor must certify: (1) that he/she sought credit counseling prior to the filing of the petition;

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(2) such counseling was not available within five days beginning from the date the debtor made the request; and (3) the debtor needed to file his/her petition for valid, emergency reasons and thus could not wait for such counseling to take place;

And Debtor having filed a certification that does not meet the requirements of § 109(h)(3)(A), but rather raises only Debtor's ignorance of the credit counseling requirement;

It is hereby **ORDERED** that Debtor's case shall be and hereby is **DISMISSED** for failure to comply with § 109(h).



DIANE WEISS SIGMUND
Chief U.S. Bankruptcy Judge